

UNITED STATES DISTRICT C O U RT
DISTRICT OF MASSACHUSETIS

UNITED STATES)
)
) CRIMINAL NO. 13-10200-GAO
v.)
)
DZHOKHAR TSARNAEV)

Affidavit of Charles P. McGinty

I, hereby state the following under the pains and penalties of perjury:

1. I am the First Assistant Federal Public Defender for the Districts of Massachusetts, New Hampshire, and Rhode Island.

2. After learning of the arrest of Dzhokhar Tsarnaev on April 19, Assistant Federal Public Defender Timothy G. Watkins and I went to Beth Israel Deaconess Medical Center (“BIDMC”) to see Mr. Tsarnaev. We arrived shortly after midnight on April 20. We spoke with FBI Special Agent Kristin O’Neill, who told us that 1) Mr. Tsarnaev was not in custody; 2) he had not been given his Miranda warnings, and agents did not intend to do so; and 3) because he had not yet been formally charged, we did not represent him and had no right to meet with him.

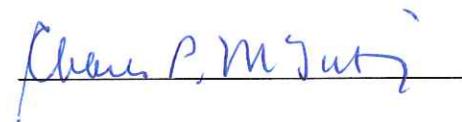
4. At about 1 a.m., I sent an email to the U.S. Attorney, First Assistant U.S. Attorney, head of the USAO counter-terrorism, and Assistant U.S. Attorney Aloke Chakravarty, as well as Magistrate-Judge Marianne B. Bowler, describing our efforts to meet with Mr. Tsarnaev and to inform him of our availability.

5. On the afternoon of April 20, I spoke twice with Brendan Garvin, the courtroom clerk for Magistrate-Judge Marianne B. Bowler. He told me that our office would be appointed as soon as a complaint was signed.

6. At 3:42 pm on April 20, First Assistant U.S. Attorney Jack Pirozzolo sent me an email, copied to Magistrate Judge Bowler and Chief Judge Saris. In it, he stated, "We are currently proceeding in accordance with legal standards applicable in cases, such as this, that implicate public safety and national security concerns."

7. The above is true to the best of my knowledge.

Signed under the pains and penalties of perjury, this 22nd day of April, 2014.



Charles P. McGinty
Charles P. McGinty, Esq.